

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LARRY D. GOYNES,

Defendant.

8:12CR171

ORDER

Defendant Larry D. Goynes (Goynes) appeared before the court on April 24, 2013, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 41). Goynes was represented by Assistant Federal Public Defender Jeffrey L. Thomas and the United States was represented by Special Assistant U.S. Attorney Martin J. Conboy, IV. Through his counsel, Goynes waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Goynes should be held to answer for a final dispositional hearing before Judge Joseph F. Bataillon.

The government moved for detention. Through counsel, Goynes proffered he would abide by conditions of release and obtain substance abuse treatment. Since it is Goynes' burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Goynes has failed to carry his burden and that Goynes should be detained pending a dispositional hearing before Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Judge Joseph F. Bataillon in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 1:00 p.m. on May 29, 2013**. Defendant must be present in person.

2. Defendant Larry D. Goynes is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 24th day of April, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge